

21. REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 6 and 12 are requested to be cancelled.

Claims 1, 8, 11 and 17 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-5, 7-11 and 13-20 (18 claims) are now pending in this application.

In response to the restriction requirement set forth in the Office Action mailed April 7, 2004, Applicant hereby **provisionally elects Group II, Claims 1-10** for examination, with traverse.

The Examiner has required restriction between Claims 11-16 and 17-20 (Group I), drawn to an evaporative cooler (combination) and Claims 1-10 (Group II), drawn to a housing and media cabinet (subcombination).

On page 2, paragraph 2 of the Office Action, the restriction was required because the Examiner thought that the combination as claimed does not require the particulars of the subcombination as claimed because cabinet movable in and out area and/or cabinet details are not required in the combination claims. The subcombination has separate utility such as filter arrangement. Applicant respectfully disagrees.

Applicants bring to the Examiner's attention that they have amended claims 1 and 17 to correct a grammatical error adding the punctuation semicolon after the second last phrase and the conjunction "and". No new matter has been added.

Applicants have also amended independent claim 1 by adding in the preamble the phrase "including a water distribution system", support for such amendment can be found in paragraph 0025 of the present specification.

Applicants have also amended independent claim 1 by adding the limitations contained in dependent claim 6 and canceling claim 6. Support for this can be found in paragraph 0030 of the present specification.

Applicants have amended claim 8 to more properly depend from claim 7 rather than canceled claim 6.

Applicants have amended independent claim 11 by adding the limitation from claim 12 and canceling claim 12. Support for this amendment can be found in paragraph 0030 of the present specification.

Applicants submit that the three independent claims, 1, 11 and 17 are all drawn to an evaporative cooler and that any search can be performed in one classification. As amended, independent claim 1, is not a subcombination as described by the Examiner as stated in paragraph 2, page 2 of the Office Action.

Since Applicants have elected provisionally, to prosecute Group II claims (claims 1-10), the Examiner's comments as set forth in paragraphs 5 and 6 of the Office Action are moot at this time.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. Applicants respectfully request that the Examiner withdraw his restriction requirement and proceed with examination of the claims as amended.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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By


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